

REMARKS

Applicant respectfully requests reconsideration and allowance of subject application. Claims 1-11 and 13-24 are pending. Claim 6 has been amended by way of this Response. Claims 1 and 13 are independent claims. Reconsideration and allowance of the present Application are respectfully requested.

In response to the Advisory Action dated September 7, 2005, Applicant has further amended claim 6 in response to a rejection thereof under 35 U.S.C. § 112, second paragraph. In addition, claims 25-33 have been canceled hereby without prejudice or disclaimer.

Applicant thanks the Examiner for talking to the Applicant's representative on September 13, 2005, regarding the status of the present Application. Applicant will contact the Examiner in the next days to discuss this Response and the status of the Application. It is hoped that the amendments and comments presented herein will persuade the Examiner to allow the present Application. Nonetheless, Applicant respectfully requests entry of this Response, as new issues are not raised and the Response places the present Application in better form for an Appeal.

Claim Rejection Under 35 U.S.C. § 112

Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant traverses this rejection.

Applicant has amended claim 6 to rectify a minor antecedent basis informality therein. Accordingly, Applicant respectfully submits the rejection has been overcome. The amendment to claim 6 was not made for reasons related to

1 patentability. Reconsideration and withdraw of the 35 U.S.C. § 112 rejection are
2 requested.

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4 Claim Rejection Under 35 U.S.C. § 101

5 Applicant thanks the Office for reconsidering and withdrawing the rejection
6 under 35 U.S.C. § 101, set forth in the current Office Action.

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8 Claim Rejection Under 35 U.S.C. § 103

9 Claims 1-11 and 13-33 are rejected under 35 U.S.C. 103(a) as being
10 unpatentable over Applicant Admitted Prior Art (hereafter, "AAPA"), in view of
11 Benitez et al (U.S. PG Pub 20020161908A1) (hereafter "Benitez").

12 An implementation described in the present Application teaches receiving a
13 request at a universal listener (UL) service 402 and comparing the request with
14 content of a configuration file 404. (See page 14, lines 3-5; and Fig. 4 of the
15 present Application.) Hierarchical formatted information of the request are
16 examined and compared with the contents of the configuration file 404 to
17 determine an appropriate user-mode process that should service the request. (See
18 page 14, lines 8-11.) The implementation states the extension-identifying portion
19 of the request (URL) is not used in making the determination as to which user-
20 mode process should service the request. (See page 14, lines 5-8.)

21 The hierarchical formatted information of a request will generally be in the
22 form of http://foo.com/fooapp4/..... This is only one example of the form the
23 hierarchical information may take. When the request, such as the URL shown, is
24 received, the UL service 402 will compare it with the contents of the configuration
25 file 404. (See page 16, lines 8-10; and Figs. 4-5 of the present Application.) Here,

1 a first portion of hierarchical information is "foo.com." This first portion of the
2 request is found in a Config Group A, which is illustrated in Fig. 5. Next,
3 "fooapp4" is compared with the contents of the configuration file 404. This
4 subsequent portion "fooapp4" is not referenced in one of the Config Groups, so a
5 user-mode process is selected from an application pool that corresponds to Config
6 Group A. (See page 8-14; and Fig. 5.)

7 The claims of the present application set forth subject matter directed
8 towards, *inter alia*, the use of a hierarchical identifier to identify an appropriate
9 user-mode process.

10 Claims 1 and 13 are reproduced below

- 11
- 12 1. A method comprising:
- 13 receiving a request from a client device, the request comprising a
- 14 hierarchical identifier;
- 15 comparing the hierarchical identifier with at least a portion of a
- 16 configuration file to identify an appropriate user-mode process for handling
- 17 the request; and
- 18 providing the request to the identified appropriate user-mode
- 19 process.
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13. A computer-readable medium having computer-executable instructions for performing steps comprising:

causing a kernel-mode process in a server device to compare a hierarchical identifier associated with a client device generated request with at least a portion of a configuration file to identify a most applicable user-mode process for handling the client device generated request within the server device; and

causing the kernel-mode process to provide the client device generated request to the identified most applicable user-mode process.

Turing now to the teachings relied upon the Office to reject the claims. The *AAPA* describes a web server process that receives a request that includes a universal resource locator (URL). The web server process accesses a mapping function to identify an appropriate worker process based on the extension-identifying portion of the URL in the request. (Page 11, line 24 – page 12, line 16 of the present Application.) The extension-identifying portion of the URL is not hierarchical information. Moreover, the *AAPA* does not describe a system in which a request comprising a hierarchical identifier is received and the hierarchical identifier is used to identify an appropriate user-mode process for handling the request. The *AAPA* does not have any functionality that would allow it to handle any data that is associated with hierarchical data.

The Office recognizes the deficiencies of the *AAPA*. (See Point 9 of the current Office Action.) In order to make up for those deficiencies, the Office has relied upon the teachings of *Benitez*. The Office asserts the combination of the *AAPA* and *Benitez* render the claims of the present Application unpatentable. In

1 the following, Applicant discusses the *Benitez* patent. The discussion will show
2 that *Benitez* does not make up of the deficiencies the Office acquiesces are present
3 in the *AAPA*. Therefore, the combination of *AAPA* in view of *Benitez* is unable to
4 substantiate a proper rejection under 35 U.S.C. 103(a).

5 *Benitez* is directed to a system that partitions an application program into
6 page segments by observing the manner in which the application program is
7 conventionally installed. A minimal portion of the application program is installed
8 on a client system, yet the user launches the application in the same way that
9 applications on other client file systems are started. An application program
10 server streams the page segments to the client as the application program executes
11 on the client and the client stores the page segments in a cache. Page segments are
12 requested by the client from the application server whenever a page fault occurs
13 from the cache for the application program. (*Benitez; Abstract.*)

14 More specifically, *Benitez* describes the use of a client streaming software
15 604 to implement the system. (*See paragraph [0187].*) The client software [604]
16 includes a kernel-mode streaming file system driver and a user-mode client to
17 implement the system. (*See paragraph [0193].*) *Benitez* further describes
18 mapping certain filenames to indicate that those files, which may typically be
19 installed on the client device, are actually available from the server. The user-
20 client is designed to act as an intermediary between the streaming file system
21 driver and the server when a file is retrieved from the server. (*See paragraph*
22 *[0193], page 11, lines 1-4.*)

23 Paragraph [0161] of the *Benitez* patent describes how files that would
24 normally be local on a user's system are stored on a server for retrieval when their
25 use is desired. To achieve this result, *Benitez* uses conventional file spoofing. As

1 is described in the paragraph, a location of the file or files that would normally be
2 on the user's system is added to a spoofing database. The location reference in the
3 database includes a mapping to a location on the server where the file is actually
4 located. When the file system on the user's system requires a spoofed file, the
5 database is referenced as to where the file is located and then retrieved. In the
6 *Benitez* system, the client software 604 performs this retrieval function.

7 The Office contends the system of *Benitez* makes up for the deficiencies of
8 the *AAPA*, and the combined teachings of the *AAPA* and *Benitez* render the claims
9 of the present Application unpatentable. Foremost, the described system according
10 to *Benitez* uses a simple database to store references to spoofed files. When a file
11 is called by a user's system, and the file is not local, the client software 604 simply
12 uses the file name and its normal location to retrieve a reference to where the file
13 is located on the server. Whether or not the file name is hierarchical in nature
14 makes absolutely no difference to the *Benitez* system; the *Benitez* system simply
15 searches for the file name and the process ends at the point the filename is found,
16 or not.

17 What is apparent from the discussions of the *AAPA* and *Benitez* is that
18 whether the teachings are taken alone or in combination together, the logical step
19 of comparing a hierarchical identifier with at least a portion of a configuration file
20 when identifying an appropriate user-mode process does not occur in either of the
21 teachings (See claims 1 and 13.) Thus, the combination does not render the
22 claims unpatentable.

23 For the reasons given above, claims 1 and 13 are allowable over the *AAPA*
24 in view of *Benitez*. Applicant respectfully requests that the § 103 rejection be
25 withdrawn.

1 Claims 2-11 and 13-24 are allowable by virtue of their dependency on one
2 of the discussed independent claims.

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4 Motivation to Combine the AAPA and Benitez

5 In combining the *AAPA* and *Benitez*, the office states a “person with
6 ordinary skill in the art would have been motivated to implement the
7 powerful/efficient kernel-mode approach over the less efficient user-mode
8 approach to address the issue of AAPA.” Applicant respectfully submits the
9 Office’s reasoning for combining the *AAPA* and *Benitez* is flawed for the
10 following reasons.

11 The Office is respectfully reminded that the *AAPA* describes a web server
12 process that receives a request that includes a universal resource locator (URL).
13 The web server process accesses a mapping function to identify an appropriate
14 worker process based on the extension-identifying portion of the URL in the
15 request. (Page 11, line 24 – page 12, line 16 of the present Application.) The
16 extension-identifying portion of the URL is not hierarchical information. The
17 request is handled exclusively on the user-mode side, as is delineated by a dashed
18 line of Fig. 2 of the present Application.

19 *Benitez* is directed to a system that partitions an application program into
20 page segments by observing the manner in which the application program is
21 conventionally installed. A minimal portion of the application program is installed
22 on a client system, yet the user launches the application in the same way that
23 applications on other client file systems are started. An application program
24 server streams the page segments to the client as the application program executes
25 on the client and the client stores the page segments in a cache. Page segments are

1 requested by the client from the application server whenever a page fault occurs
2 from the cache for the application program. (*Benitez; Abstract.*) The Office states
3 the *Benitez* system uses a "pure kernel-mode" process for handling requests.

4 When stating that the *AAPA* and *Benitez* may be combined, the Office fails
5 to address and explain why one of ordinary skill in the art would look to a system
6 that makes use of file spoofing when attempting to rectify the deficiencies of the
7 *AAPA*. File spoofing does not require the use of extensions, or for that matter,
8 requests that are in the form of a URL. Moreover, file spoofing does not relate to
9 how a user accesses a server to retrieve Web content. *Benitez* does not, even once,
10 discuss how URLs may be used in the streaming system of the relied upon patent.
11 In comparison, URL extensions are used exclusively in the *AAPA* arrangement,
12 and file spoofing is not contemplated and/or required by the *AAPA* arrangement.

13 Therefore, Applicant believes the Office used *hindsight* knowledge gleaned
14 from the present Application when the current § 103 rejection was formulated. As
15 the Office is aware, the use of *hindsight* knowledge is not permitted in the process
16 of formulating obviousness rejections. Accordingly, in addition to the technical
17 deficiencies of the *AAPA* and *Benitez*, Applicant respectfully submits the current
18 35 U.S.C. 103(a) rejection is improper. Reconsideration and withdrawal are
19 requested.
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1 **Conclusion**

2 Claims 1-11 and 13-24 are in condition for allowance. Applicant
3 respectfully requests reconsideration and prompt allowance of the subject
4 application. If any issue remains unresolved that would prevent allowance of this
5 case, **the Examiner is requested to urgently contact the undersigned attorney**
6 **to resolve the issue.**

7 If necessary, the Commissioner is hereby authorized in this, concurrent, and
8 future replies, to charge payment or credit any overpayment to Deposit Account
9 No. 12-0769 for any additional fees required under 37 CFR §1.16 or under §1.17;
10 particularly, extension of time fees.
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14 Respectfully Submitted,

15 Date: 9-13-2005

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